

REMARKS

This Amendment is made in response to the Final Office Action of March 14, 2005. Claims 35-67 are pending in this application. By this Amendment, Applicants have amended claims 35, 45 and 54 to better define the presently claimed invention. Applicants respectfully request reconsideration of all the pending claims in view of the remarks presented below.

Claims 35-40, 42-50, 52-67 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,171,327 to Daniel et al. ("the Daniel patent"). Applicant notes that the pending claimed invention defined in claims 35, 45 and 54 recite an inner catheter having a distal portion that includes a length of flexible tubing having sufficient length to allow the distal end of the recovery sheath to pass thereover and reduce the possibility that the recovery sheath will straighten the body vessel when deployed in a curved portion of the body vessel. Applicants have carefully reviewed the Daniel patent and note that the inner catheter, which the Examiner has identified as component 172 in FIG. 20 or component 372 in FIG. 23, includes a short distal tapered portion 180 which extends distally beyond the recovery sheath (150). Applicants strongly disagree with the Examiner's position that this tapered tip is a length of tubing which extends beyond the recovery sheath. Again, it is Applicants' belief that this distal tapered portion 180 is simply the end of a large insert 172. This tapered portion 180 extends outside of the recovery housing only a short distance is designed to provide a relatively soft and atraumatic tip. However, the portion of the inner catheter, or insert catheter 172 as it is referred to in the Daniel patent, does not include a distal portion including a length of flexible tubing

which extends beyond the distal end of the recovery catheter and has sufficient length to allow the distal end of the recovery sheath to pass thereover while reducing the possibility that the recovery sheath will straighten the body vessel when deployed in a curved portion of the body vessel, as is recited in the pending claims. Again, Applicants' presently claimed invention provides this length of flexible tubing to track over the guidewire and to minimize the possibility of the blood vessel straightening as the larger diameter recovery sheath is advanced over the distal portion of the inner catheter. (see page 17, paragraph 28 of Applicants' specification). This particular structure is simply not shown in the Daniel patent. Quite to the contrary, the tapered portion 180 of the Daniel device is only a bulky, short atraumatic tip of large diameter to fill in the space created by the lumen of the housing 152 of the retrieval catheter 150. Accordingly, Applicants believe that the presently claimed invention is neither shown nor suggested in the Daniel patent. Applicants respectfully request the Examiner to withdraw the Daniel patent as an anticipatory reference.

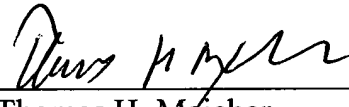
Claims 41 and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Daniel patent in view of U.S. Patent No. 5,201,757 to Heyn et al. ("the Heyn patent"). In view of the remarks addressed above with respect to the presently claimed invention defined by claims 35 and 45, it is believed that the particular combination of the Daniel patent with the Heyn patent fails to achieve the claimed structure. Applicants respectfully request the Examiner to withdraw the obviousness rejections against claims 41 and 51.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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